

PATENT
Customer No. 22,852
Attorney Docket No. 09481.0027

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Mark M. RICHTER et al.) Group Art Unit: 1637
)
Application No.: 09/074,472) Examiner: Gary Benzion
)
Filed: May 7, 1998) Allowed: July 2, 2004
)
For: ASSAYS EMPLOYING) Confirmation No.: 2284
ELECTROCHEMILUMINESCENT)
LABELS AND)
ELECTROCHEMILUMINESCENT)
QUENCHERS)

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Sir:

PETITION FOR WITHDRAWAL OF PATENT FROM ISSUE

Pursuant to 37 C.F.R. § 1.313, Applicants hereby respectfully petition the Assistant Commissioner to withdraw the above-identified application from issue. According to the fee schedule set forth in 37 C.F.R. § 1.17(h), please charge the required fee of \$130.00 for consideration of this Petition to our Deposit Account No. 06-0916.

This request for a withdrawal from issue of a prospective United States patent is made for the causes set forth below which it is respectfully submitted constitute good and sufficient reasons for the action sought.

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Upon review of the allowed claims, Applicants have concluded that claim 60 could be interpreted to encompass subject matter well known in the prior art, for example, a bottle of benzene, and therefore would not be part of their invention. Applicants request withdrawal from issue of a prospective United States patent to permit the filing of a Request for Continued Examination canceling claim 60. To expedite allowance of the pending claims, Applicants also cancel claims 61 and 62, which depend from claim 60. The subject matter of claims 61 and 62 will be pursued in a continuation application.


In view of the foregoing, Applicants respectfully request that this application be withdrawn from issue.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 9, 2005

By: 
William L. Strauss
Reg. No. 47,114



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Total Pages
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Our File No.: 09481.0027


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CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R § 1.8

I hereby certify that the following papers are being transmitted by facsimile to the U.S. Patent and Trademark Office on the above-identified date:

1. Petition for Withdrawal of Patent from Issue [2 pages];
2. Request for Continued Examination [1 page]; and
3. Amendment Under 37 C.F.R. § 1.313(c)(1) [11 pages].


William L. Strauss
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